

## **II. Remarks**

Reconsideration and allowance of the subject application are respectfully requested.

Applicants request consideration of the Information Disclosure Statement and References filed on August 5, 2008.

Claims 1, 15, 24 and 35 have been amended. Claims 2 and 44 have been cancelled without prejudice or disclaimer. Claims 1 and 3 to 43 remain pending in the subject application. Claims 1 and 24 are independent.

In the Official Action, the Examiner has rejected Claims 1, 3 to 15, 17 to 35 and 37 to 43 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,519,770 to Ford ("Ford"). Claims 2 and 44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ford in view of U.S. Patent Application Publication No. 2003/0078972 to Tapissier et al. ("Tapissier"). Claims 16 and 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ford in view of U.S. Patent No. 6,675,384 to Block et al. ("Block").

Independent Claim 1 has been amended to incorporate the subject matter of cancelled dependent Claim 2. Thus, independent Claim 1 recites an apparatus for selectively replacing objectionable content in a program received as a first signal with less-objectionable content, comprising an extraction device receiving at least a portion of the first signal and configured to extract information therefrom, a replacement control device, a processor operatively coupled to the replacement control device and communicatively coupled to the extraction device for receiving at least a portion of the extracted information therefrom and a memory coupled to the processor and storing a replacement criterion. The processor is programmed to identify replacement information in extracted information. A second signal including the less-objectionable content is communicatively coupled to the replacement control device. The processor is programmed to cause the replacement control device to replace a portion of the first signal with the second signal in response to identifying replacement information that satisfies the replacement criterion. The *less-objectionable content comprises advertising*.

Ford discloses a system for filtering out potentially objectionable content from a video signal. The system is preferably implemented with user equipment such as a set-top box, a

dedicated stand-alone box, a videocassette recorder, or circuitry in other television equipment. Videos to be filtered have embedded information that identifies potentially objectionable substitution events. The system determines which substitution events are to be filtered out based on selectable ratings settings. If desired, filtered video images may be replaced with blank video images and filtered audio signals may be replaced with silence or a tone. Filtering may also be accomplished by disrupting the event to be filtered (e.g., by garbling the event). Filtering may involve making substitutions of audio or video information. For example, audio information in a substitution event may be replaced by appropriate audio segments. Video information in a substitution event may be replaced by a video still or by a video clip.

Tapissier discloses a chat room broadcast in an interactive television environment that permits lurking "in" the chat room, without the need for establishing a back channel connection. The broadcasted chat room can be handled by a client device, typically a set top box (STB) processor, an interactive television server and its subscriber clients. The chat room is broadcasted to clients who may either connect through a back channel to participate in the chat room or simply lurk, that is, to watch the chat room content and discussion in the broadcast without participating or registering in the chat room. A rules based system is employed to create "smart" advertising campaigns and chat room promotions that are targeted to the clients of the chat room and/or the profiles of clients logging into the chat room.

The Examiner alleges that the combination of Ford and Tapissier renders the claimed invention obvious to one of ordinary skill in the art. Applicant respectfully disagrees. Ford teaches modifying of a video signal at the client end of a transmission. Specifically, Ford teaches to replace an incoming video signal data at a client location with substitution data when a substitution event code in the video signal is detected; however in no way does Ford teach to replace the video signal data corresponding to the substitution event code with advertising. Although Tapissier makes reference to advertising, the focus of Tapissier is to tailor a video signal at the broadcast end of a transmission so that the broadcasted video signal includes information relevant to the target audience receiving the broadcasted video signal. Employing the teachings of Tapissier in the Ford system, to what they fairly suggest to one of ordinary skill in the art, therefore would result in the video sources 60, 62 and 64 of the Ford system broadcasting video signals that include information relevant to the target audience receiving the

broadcasted video signals. The combination of Ford and Tapissier would not result in the Applicants' invention as claimed.

Block does not remedy the deficiencies of Ford and Tapissier. Block discloses a method and apparatus for information labeling and control including a central station equipment which combines a program signal with content labels that separately and continuously identify the audio, video, and data content of the program signal, and user station equipment which generates a local content label identifying program material which is acceptable to the user. By comparing the two labels the user station equipment can block or substitute alternative audio, video, or data for offensive portions of a program signal received through a transmission or stored for playback on various media such as video tapes, audio tapes, CDs, computer disks, optical storage media, and video game cartridges. Similar to Ford, in no way does Block teach or suggest replacing video signal data with advertising.

Accordingly, Applicants respectfully submit that independent Claim 1 and the claims dependent thereon distinguish patentably over the cited references and should be allowed. Independent Claim 24 and the claims dependent thereon are also believed to distinguish patentably over the cited references at least for the same reasons set forth above and should be allowed.

In view of the above, it is believed the application is in order for allowance and action to that end is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should be directed to the address given below.

Respectfully submitted,

/Keith DS Fredlake/  
Attorney for Applicants  
Keith Fredlake  
Registration No. 58,006

Please continue to direct correspondence to:  
Katten Muchin Rosenman LLP  
2900 K St NW / Suite 200  
Washington DC 20007